

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL SHAVERS,

Plaintiff,

Case No. 2:07-CV-105

v.

HON. ROBERT HOLMES BELL
KENNETH MCKEE, et al.,

Defendants.

/

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION AND
GRANTING MOTIONS FOR SUMMARY JUDGMENT**

On June 17, 2010, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R&R”) recommending that the defendants’ motions for summary judgment (Dkt. Nos. 97, 131, 152) be granted and that this case be dismissed in its entirety. (Dkt. No. 15.) The Magistrate further recommended that Plaintiff’s motions to dismiss parties and to replace exhibits be granted, and that all remaining motions be denied. (*Id.*) This matter is before the Court on Petitioner’s objections to the R&R. (Dkt. No. 26.)

This Court makes a *de novo* determination of those portions of an R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations.

Id.

Plaintiff believes that the Magistrate misunderstands his claim. (Dkt. No. 187.) Plaintiff argues that his only retaliation claim is against Defendant McKee, and that he is suing the remaining defendants on other “constitutional and statutory claim[s].” (Dkt. No. 187 at 7.) Plaintiff argues that the remaining defendants should not receive summary judgment on grounds that do not address his intended claim.

Plaintiff fails to understand that, in the wake of this Court’s earlier dismissals and the narrow grounds of the Sixth Circuit’s reversal and remand, the only claim that Plaintiff *can* make is a retaliation claim. “We reverse the district court’s order only as to Shavers’s retaliation claim and remand the case for further proceedings as to that issue.” (Dkt. No. 42 at 4.) In effect, Plaintiff is attempting to dismiss his own claims.

In a second objection, Plaintiff asserts that the Magistrate erroneously concludes that Plaintiff did not adequately contest Defendants’ motions for summary judgment. In support of this objection, Plaintiff merely references his prior filings. “[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

IT IS HEREBY ORDERED that the Plaintiff's objections (Dkt. No. 187) to the R&R are **DENIED**.

IT IS FURTHER ORDERED that the August 27, 2010, R&R (Dkt. No. 183) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' motions for summary judgment (Dkt. Nos. 97, 131, 152) are **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's motion to dismiss parties (Dkt. No. 164) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's motion to replace exhibits (Dkt. No. 180) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs remaining motions (Docket Nos. 126, 157, 165, 176, 178) are **DENIED**.

IT IS FURTHER CERTIFIED pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3) that an appeal of this action would not be in good faith.

Dated: September 20, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE